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In re Application of
Allan David Mitchell
U.S. Application No.: 10/573,922
Filing Date: March 28, 2006
Attorney's Docket No.: FAK-8098
For: SWAY BAR FOR FISHING TACKLE

DECISION ON PETITION TO
REVIVE ABANDONED
APPLICATION UNDER
37 CFR 1.137(b)

This decision is issued in response to applicant's Petition To Revive Application under 37 CFR 1.137(b) filed on 28 March 2006 with respect to international application PCT/AU04/01313.

BACKGROUND

International application PCT/AU04/01313 became abandoned as to the United States under 35 U.S.C. 371(d) at midnight on 26 March 2006 for failure to pay the basic national fee.

On 28 March 2006, applicant filed, *inter alia*: a transmittal letter for a patent application under 37 CFR 1.53; a specification including claims, abstract, and drawings; a preliminary amendment; and a petition and fee to revive international application PCT/AU04/01313 under 37 CFR 1.137(b).

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

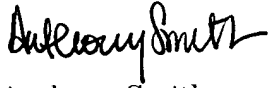
Items (1), (2), (3) and (4) have been satisfied. The petition is accompanied by the required reference to the prior filed application. The fee has been paid. The required statement has been made. Accordingly, the renewed petition under 37 CFR 1.137(b) is granted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is **GRANTED**.

International application PCT/AU04/01313 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the continuing application number 10/573,922.

Any inquiries concerning this decision should be directed to Attorney-Advisor, Anthony Smith at the telephone number listed below.



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